

# PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>7</u> - <u>27</u>	
Acceptance Date:	<u>12/5/16</u>
Website Posting Date:	<u>12/12/16</u>
Determination Date:	<u>12/5/16</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>12/5/17</u>
Planner Assigned:	<u>JK</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <u>T. J. BOSSARD</u>	
Mailing Address: <u>43815</u> <u>PALEK ST.</u>	Phone: <u>808-666-9666</u> Email: <u>tjb@tjbossard.com</u>
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>C-1 GENERAL COMMERCIAL</u>	Tax Map Key(s): <u>TAK (4) 4-5-008-015</u>
	Land Area: <u>22,500 SF</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>INTERIOR REPAIR OF EXISTING STRUCTURE</u> <u>(OLYMPIC CAFE)</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

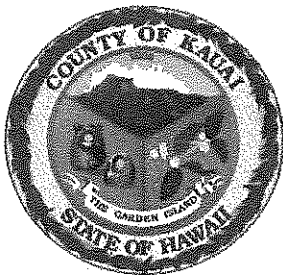
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Properties Not Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 396 FT.
- ☒ Additional Information:  
☐ Closest distance of improvement(s) from Shoreline is approximately \_\_\_\_\_ ft.  
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

1 PARCEL BETWEEN, (A PRE-SCHOOL) AND ONE STREET,  
(INIA)



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- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

GRADUALLY, UNIFORMLY SLOPED UPWARD FROM VEGETATION LINE TO PROPERTY

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

CARBONATE SAND, BOULDER GROINS AND HARDENED SHORELINE WITH A FRINGING REEF OFFSHORE

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_
- ☐ Is the armoring permitted/authorized? \_\_\_\_\_
- ☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_
- ☐ Is property in coastal floodplain (if checked, what zone)? \_\_\_\_\_
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

### Applicant's Signature



T.J. BOSSARD, P.E. AGENT  
Signature

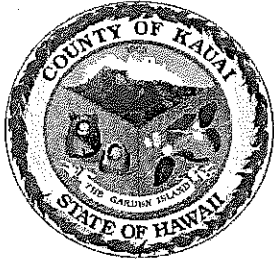
3/21/16  
Date

### Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

  
Planning Director or designee

12-5-16  
Date



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### Part B

#### Exemption Determination

☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☒ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

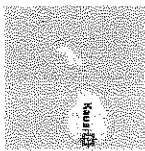
Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

  
Planning Director or designee

12-5-16  
Date

# Controls

- ☒ Available Layers
- ☒ Perceps
- ☒ Project Numbers
- ☒ Address #
- ☐ Verity Sales
- ☐ Buildings
- ☐ Streets (Google)
- ☒ Satellite (Google)
- ☐ Hybrid (Google)
- ☐ Physical (Google)



Google Earth



Kauai County makes every effort to produce the most accurate information possible. No warranty, expressed or implied, are provided for the data herein. Its use or interpretation. The statement information is from the last certified parcel. All data is subject to change before the next certified parcel.

## Reports

- [Printed](#)
- [Parcel List](#)
- [Legend](#)
- [Click on the map to gather points, double click last point to complete.](#)
- [Length: 206.125 ft](#)
- [1\) 22604.307' - 15919.05'](#)
- [2\) 22604.22' - 15919.01'](#)



Commercial Real Estate Services, Worldwide.

tel 808 246 0634  
fax 808 246 9463  
[www.chaneybrooks.com](http://www.chaneybrooks.com)

Kauai Office  
3366 Waapa Rd Suite 513  
Lihue HI 96766

February 18, 2016

County of Kauai  
Planning Department  
Lihue, HI 96766

To Whom It May Concern:

I am the authorized property manager for the owner of the property known as Hee Fat Marketplace, 04-1354 Kuhio Hwy, Kapaa, HI 96746. I hereby authorize Timothy J. Bossard, PE, to receive any records or process any materials related to the construction of a tenant improvement.

Mahalo,  
NAI ChaneyBrooks LLC

A handwritten signature in black ink, appearing to be "John Wyatt (B)", written over a horizontal line.

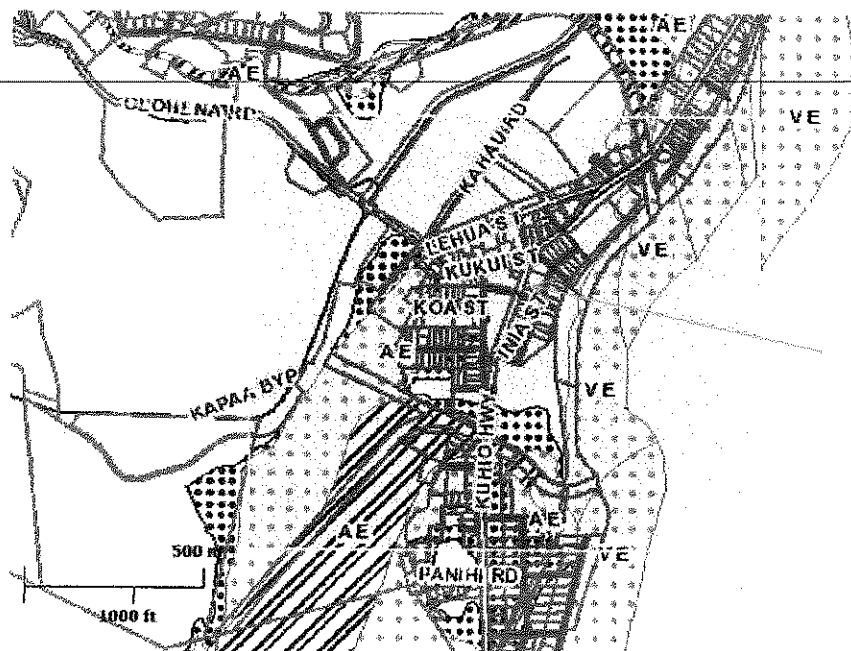
John Wyatt (B)  
Broker In Charge - Kauai

Cc: Owner of Hee Fat Marketplace

## Flood Hazard Report

The purpose of this report is to provide information on general requirements and procedures involved in obtaining approval of building permit applications in flood zones. This report provides a general description of relevant flood requirements. Reference should be made to Chapter 15 Article 1 of the Kaua'i County Code relating to floodplain management for more detailed information.

<b>AOI Lat. Coordinates</b>	-17736019.506594315 , -17734586.312313933
<b>AOI Long. Coordinates</b>	2519846.9003390293 , 2521057.949505954
<b>SPECIAL FLOOD HAZARD AREA (SFHA)</b>	Yes
<b>FLOODWAY</b>	Yes
<b>FLOOD ZONE INTERSECTIONS (BFE or BFE RANGE)</b>	multiple: , X(No BFE), VE(16), 0.2 PCT ANNUAL CHANCE FLOOD HAZARD(No BFE), AE(10), AE(12), VE(14), VE(12), AE(6), AE(9), AE(7), VE(10), VE(9),
<b>INTERSECTS SPECIAL MANAGEMENT AREA</b>	Yes
<b>INTERSECTS TSUNAMI EVACUATION ZONE</b>	Yes
<b>CONSERVATION DISTRICT</b>	multiple: Resource Subzone
<b>FEMA PANEL (FIRM Revision Date: September 16, 2005)</b>	multiple: 1500020210E, 1500020204E



## Streets

FEMA Digital Flood Insurance Rate Map for the County of Kaua'i published in 2005. Special Management Areas from Kaua'i County Planning Department baseline maps digitalized by the State of Hawai'i Office of Planning in 1996. Tsunami Evacuation Zones were digitized by the Pacific Disaster Center from maps provided by the State of Hawai'i Civil Defense, and published in County Telephone directories by GTE in 1991. These maps were produced by the Joint Institute for Marine and Atmospheric Research, at the University of Hawai'i in cooperation with the State of Hawai'i Civil Defense System.

THESE MAPS ARE NOT A SUBSTITUTE FOR LAND SURVEYS OR LEGAL DOCUMENTS. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. Kaua'i County and NOAA assume no legal responsibility for the information contained on this map.

4444 Rice Street, Suite 175  
Lihue, Hawaii 96766-1340



**Bernard P. Carvalho, Jr.**  
Mayor



**Lyle Tabata**  
Acting County Engineer

**Wallace G. Rezentes, Jr.**  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihue, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

November 15, 2016

T.J. Bossard  
4385 Pahee St.  
Lihue HI 96766

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
OLYMPIC CAFÉ REPAIR, KAPA'A, KAUA'I, HAWAII  
TMK: (4) 4-5-008-015

**PW 10.16.084**

Dear Mr. Bossard;

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed interior repair work to the existing structure. DPW has determined that the proposed improvements does not constitute a substantial improvement. A summary of the calculations follows.

***Market Value***

There were no building permits for the structure within the past 10 years. The market value used in the calculations is the current Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by the County's Real Property Assessment Division. The 2016 RCNLD was determined to be \$745,700. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

Olympic Café Repair – Shoreline Setback Application – Substantial Improvement Determination  
November 15, 2016

***Cost of Improvements***

The total cost of improvements for the interior repair work for the existing structure is taken to be the cost estimate of \$119,770 which includes the proposal prepared by Craig Kawakami Builders plus the construction estimate by T.J. Bossard sent via email on October 31, 2016.

***Summary***

The cost of improvements compared to the market value is:

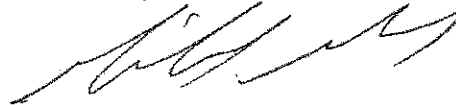
$$\frac{\text{Cost of Improvements (past 10 years): } \$119,770}{\text{Market Value (RCNLD): } \$745,700} = 0.1606 \text{ or } 16.06\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

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If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

Sincerely,



MICHAEL MOULE, P.E.  
Chief, Engineering Division

SI/BV

Copy: Design and Permitting  
Planning